

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,)	Criminal Action No. 7:21-cr-00038
)	
v.)	<u>ORDER</u>
)	
ROBERT NELSON BURKS,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendant.)	

The court referred this matter to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(3), for the purpose of conducting a felony guilty plea hearing under Federal Rule of Criminal Procedure 11 and preparing proposed findings of fact and a recommendation as to the acceptance of such plea as tendered.

On October 7, 2021, Defendant Robert Nelson Burks was charged in a two-count indictment. (ECF No. 1.) Count One charges Burks with, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessing three firearms that had been shipped or transported in interstate or foreign commerce, in violation of 18 U.S.C. § 922(g)(1). (*Id.*) Count Two charges Burks with knowingly possessing, receiving, concealing, storing, and disposing of stolen firearms, while knowing and having reasonable cause to believe the firearms were stolen in violation of 18 U.S.C. § 922(j). (*Id.*)

Burks pleads guilty to Count One. (ECF No. 36.) If the court determines that Burks has at least three prior convictions for serious drug offenses and/or violent felonies, Count One carries a mandatory minimum sentence of 15 years imprisonment, a maximum sentence of imprisonment for life, and a maximum fine of \$250,000. (*Id.* at 1.) Otherwise, Count One

carries a maximum statutory penalty of 10 years imprisonment, a maximum fine of \$250,000, and a 3-year term of supervised release. (*Id.*)

Judge Ballou filed a Report and Recommendation (“R&R”) on June 2, 2022, recommending that the court accept Burks’s guilty plea and plea agreement. (ECF No. 44.) No objections to the R&R have been filed, and the court concludes that the R&R should be adopted in its entirety. The court accordingly **ORDERS** that:

1. Judge Ballou’s R&R (ECF No. 44) is **ADOPTED in its entirety**;
2. Burks’s plea agreement (ECF No. 36) is **ACCEPTED**; and
3. Burks’s guilty plea is **ACCEPTED**, and he is adjudged **GUILTY** of this offense.

The clerk is directed to send copies of this Order to all counsel of record.

ENTERED this 23rd day of June, 2022.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE